

REMARKS:

Claims 1-10 are pending in the application. Of these, claims 6-10 have been withdrawn. In the Office Action dated November 3, 2005, The Examiner rejected claims 1, 2, and 4 under 35 U.S.C. 102(b) as being anticipated by Herring, Jr. et al, rejected claims 1 and 2 under 35 U.S.C. 102(a) as being anticipated by Bisonnette, rejected claims 3 and 5 under 35 U.S.C. 103(a) as being unpatentable over Herring, Jr. et al, and rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Herring, Jr. et al in view of Sweeny. These rejections are respectfully traversed.

In this amendment, claim 1 has been amended to include the subject matter of original claim 5. Claim 5 has been canceled. No new matter was added.

Regarding the rejection of original claim 5, amended claim 1, the Examiner alleged that applying phosphates and electrodeposited layers on automotive panels in well-known and conventional in the automotive arts. This reliance on "well-known" prior art is respectfully traversed. The facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known (see MPEP 2144.03A). There must be some form of evidence in the record to support an assertion of common knowledge (see MPEP 2144.03B) and the Examiner is respectfully requested to produce authority for her statement.

Further as to the rejection of the original claim 5, the Examiner also alleged that it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply either a phosphate layer or an electrodeposited layer to the car panels of Herring, Jr. et al. The Examiner did not, however, address the limitation that the inventive at least one layer is formed in the gap. The inventive at least one layer is disclosed in the specification as providing improved anti-corrosion characteristics of the inner and outer panels in the gap (see at least paragraph [0029]). There is no suggestion in the prior art to provide a phosphate and/or electrodeposition layer in the gap.

For at least these reasons, amended claim 1, as well as its dependents, claims 2-4, is patentable over Herring, Jr. et al. All other rejections are rendered moot by the patentability of the sole independent claim, amended claim 1.

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance is respectfully requested.

Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060944-0156).

Respectfully submitted,



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